

**REMARKS**

This is in full and timely response to the Office Action mailed May 5, 2004, and is submitted concurrently with a Petition for Extension of Time to within the first extended month. Entry of this amendment is respectfully requested. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

By this Amendment, a substitute specification was provided to correct various typographical errors, and to place the specification in better idiomatic English. No new matter was added. Applicants thank the examiner for his helpful comments. A substitute abstract is also provided. No new matter was added. Claims 16-21, 23, 26, 28 and 29 were variously amended to correct for grammar and dependency, as noted in the Office Action. No new matter was added. Applicants thank the examiner for his helpful comments. Claim 30 was canceled without prejudice or disclaimer. Claims 16-23 and 26-29 are pending in this application, with claim 16 being independent. By this Amendment, Applicant believes that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

**Objections to the Specification**

The Office Action objected to the Abstract for grammar. In order to expedite prosecution, by this Amendment, a substitute abstract is provided.

The objection to the specification is noted. Applicants have again supplied a substitute specification to further correct various grammatical errors, including those noted by the Examiner. No new matter was added. Applicants thank the examiner for his helpful comments. Applicants believe that the specification is clear and understandable, and satisfies 35 USC §112, first paragraph.

Withdrawal of the objections to the specification is requested.

**Rejections under 35 U.S.C. §112, first paragraph**

Claims 16-23 and 26-30 were rejected under 35 U.S.C. §112, first paragraph for allegedly failing to comply with the written description requirement. Applicants respectfully traverse this rejection. Claim 30 has been canceled without prejudice or disclaimer, mooted this portion of the rejection.

The Office Action alleges that Applicants assertion of the “base film” being formed on top of the base pattern as an underlying layer would not have been clear to one of ordinary skill in the art solely from the text of the original specification. However, Applicants assert that forming a base film IS A KNOWN TECHNOLOGY among those of ordinary skill in the art, and therefore does not need to be explained thoroughly in the specification. In support of this, Applicants have concurrently filed an Information Disclosure Statement identifying U.S. Patent 6,130,750 to Ausschnitt. The “matching state of a resist pattern of the upper tier portion and the base pattern” as stated at page 27, lines 14-19 of the present specification, means inspection of **“overlay” of the resist pattern of the upper tier portion and the base pattern**, where “base pattern” is merely a circuit underneath the present layer that has been formed in the process of producing semi-conductor. As generally known, semiconductor wafer is multi-layered, that is, layers such as a metal layer and an insulation film layer are coated one after the other, therefore, the step of forming a “base pattern” on the substrate is simply “the previous line of processing” semiconductor substrate.

Inspecting overlay is known to public as indicated in U.S. Patent 5,766,809 to Bae (of record) at column 2, lines 44-54 and Figs. 1-3, where overlay of each layer pattern and resist

pattern is inspected. Additionally, the fact that overlay is KNOWN technology is indicated in Ausschnitt '750 at column 19, line 53 to column 20, line 31 and Figs. 18 and 24.

Withdrawal of this rejection is requested.

**Rejections under 35 U.S.C. §112, second paragraph**

Claims 16-23 and 26-30 were rejected under 35 U.S.C. §112, second paragraph for indefiniteness. Applicants respectfully traverse this rejection. Claim 30 has been canceled without prejudice or disclaimer, mooting this portion of the rejection.

Applicants consider that the rejection should be withdrawn since appropriate changes have been made to the items pointed out by the Examiner.

**Rejections under 35 U.S.C. Section 103**

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over by U.S. Patent No. 5,747,201 to Nakayama et al. in view of U.S. Patent No. 4,647,172 to Batchelder et al., further in view of U.S. Patent No. 5,139,904 to Auda et al., further in view of U.S. Patent No. 5,985,497 to Phan et al., further in view of U.S. Patent No. 5,308,447 to Lewis et al., further in view of U.S. Patent No. 5,843,527 to Sanada, further in view of U.S. Patent No. 5,283,142 to Yoon et al., and further in view of U.S. Patent No. 5,766,809 to Bae. Applicants respectfully traverse this rejection.

However, in order to expedite prosecution, and while not acknowledging the propriety of this rejection, Applicants have canceled claim 30, mooting this rejection.

Withdrawal of the §103(a) rejection is therefore respectfully solicited.

**CONCLUSION**

For the foregoing reasons, all the claims now pending in the present application are believed to be clearly patentable over the prior art of record. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Dated: September 7, 2004

Respectfully submitted,

By 

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 180013 for any such fees; and applicant(s) hereby petition for any needed extension of time.